

Washington County Land Use Authority Work Meeting
September 27, 2011
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, September 28, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Kim Ford, Rick Jones, Dave Everett, and JoAnn Balen.

Absent: Julie Cropper, Mike Stucki, and Deborah Christopher.

Staff present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Kim Hafen, County Clerk; and Doreen Bowers-Irons, Planning Secretary.

Audience attendance: Robert B. Mentzel

Chairman Wilson led the audience in the Pledge of Allegiance after which, he explained the meeting protocol.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. DISCUSSION ITEM/CEMETERIES PLAN REVIEWS. Review regulations for private cemetery plots in residential zones, permitted or conditionally; County initiated

The Planner stated the commission will need to determine whether cemeteries should be included as conditional or permitted uses within zones other than OST-20 and PD. Management of the cemetery should be specified for private purposes only. As previously researched under applicable law, the right to regulate cemeteries in a county is delegated to the counties. There are State Statutes that regulate endowment cemeteries under Title 8 of the State Code (essentially cemeteries that are run on a commercial basis), but nothing that covers private cemeteries. Presently, cemeteries are conditionally approved only within the OST-20 zone (*County Code 10-6B-3*), but would have to be determined as a Conditional Use within other zones. The State Code suggests that entities should no longer use the “catch-all” phrase.... “Other uses similar to the above conditional uses...” to approve conditional uses, so Findings should be made on this item. The attorneys have been researching this issue as a result of a family who wanted to and did bury one of their loved ones on their private property.

Rachelle Ehlert, County Attorney, reported she and Eric Clark reviewed the regulations and information of cemeteries individually without each others knowledge and came to the same conclusions. She stated the State allows the counties to regulate this type of use. There are some requirements from the Health Department, which is a death certificate must be filed and a transport permit taken out in order to transport the body. The State rules and regulations regulate the endowment cemeteries but not these private type of cemeteries. It is not a criminal offense to bury a body, there are no case laws on the books, and very little information available for this type of thing. She explained how the research for the information was conducted and stated without any regulation or law we could not deny that request.

The commission had a lengthy discussion on the issue that included detailed items such as the consequences and ways to ensure rules and regulations are in place for private cemeteries. It was discussed to impose a moratorium on allowing private cemeteries until the County can make a decision on how to establish guidelines for that type of use. The commission and staff will look at a moratorium or “Notice of Pending Ordinance” that could put this type of use on hold for up to 6 months.

Robert B. Mentzel, 1546 South 3000 East New Harmony, reported he lives about 350 feet away from the Barrett's property where the burial took place. He stated his concerns regarding this happening all over the area. He did not buy his home to live around burial grounds. If the County is going to allow people to be buried, they should require more ground, maybe 20 acres. This is near Ash Creek and there may be issues with water contamination. He asked that the County look at better controls for this type of thing.

The Commissioners commented on Mr. Mentzel's concerns.

The attorneys will look further into the issue and bring the information back to the commission at a future meeting.

III. DISCUSSION ITEM/OPEN MEETING. Review Utah Open and Public Meeting Act; County initiated

The Planner stated Rachelle Ehlert, County Attorney, will make the presentation to the commission with information provided by UCIP.

The Attorney explained the rules, regulations and requirements of the Open and Public Meeting Act. She provided information from David Church of the Utah League of Cities and Towns and informed the commission that if they wanted further training, to let her know and arrangements would be made.

The commission reviewed and discussed the information at length.

IV. PROCEDURES & RULES OF ORDER. Annual review of Planning Commission Procedures and Rules of Order: County initiated.

The Planner stated that for insurance purposes, the Planning Commission needs to review their Procedures and Rules of Order as part of an ongoing education program, which will benefit the County. She asked the commission to review the documents that was provided to them. Information was compiled and provided by an intern with the County Attorney's office for the County Commission. The intern also reviewed the Planning Commission's Procedures & Rules of Order and found them adequate except for one or two additional items that were needed. Those have been added and now the commission will need to approve the new Procedures and Rules of Order.

The commission discussed the procedures and Rules of Order and agreed to approve the Procedures and Rules of Order as proposed by staff.

Motion: Commissioner Everett MOVED to approve the proposed Procedures and Rules of Order. Commissioner Balen SECONDED. The motion carried with all four (4) Commissioners voting in favor.

V. DISCUSSION ITEM/TRAILS. Request for trails management/housekeeping with the County; County initiated.

Chairman Wilson stated he kind of initiated this item. He reported he has been on a number of trails committee's throughout the years. He spoke about different trails in the county and some of the problems that have occurred in regards to trails. He explained how trails are and could be developed and protected. He asked if the commission would consider putting together a public trails committee to work with the GIS Department to identify public trails.

The commission discussed the trails throughout the county and decided it would be a good idea to create and oversee a trails committee to ensure the trails throughout the county can be accessed, maintained, sustained and protected.

The attorney stated the Planning Commission should refer this to the County Commission for their decision to create a committee. She explained why the County Commission should be the entity to create this type of committee. There are financial, as well as other issues, this could create.

- VI. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on September 20, 2011; County initiated.

The planner reported on the Land Use Authority Staff Meeting held on September 20, 2011 and the decisions made.

ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING
September 20, 2011

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; and Rachelle Ehler, Deputy Civil Attorney.

Excused: Ron Whitehead, Public Works; Director Paul Wright, Department of Environmental Quality; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Tina Esplin, Washington County Water Conservancy District; Becky Marchal, Questar Preconstruction Specialist; and Robert Beers, Southwest Utah Public Health Department;

A. Request permission to build an accessory dwelling within a detached garage, located at 404 N. Pinion Hills Drive, Pinion Hills - Phase 3, Lot 56. Dammeron Corp, applicant.

The applicant meets the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, sewer connection originally with the Dammeron Valley Corp, and a culinary water use from the Dammeron Valley Water Works. Accessory dwellings are conditionally approved within residential zones, with the accessory portion being less than 900 square feet. The property is accessed from the Dammeron Valley Dr. West and Pinion Hills Drive, generally located West of Dammeron Valley Homesteads. The site plan meets all setback requirements of 10', 10', and 25' on all sides, rear and front. The Wildland Urban Interface for fire protection would need to be addressed during the permitting process at the staff level. The Washington County Water Conservancy District has reviewed density and acknowledges that monthly fees are being paid. **The staff approved the Conditional Use Permit for an accessory dwelling for the period of one (1) year.**

- VII. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items on September 20, 2011; County initiated.

The Planner reported on the planning items approved by the County Commission during their meeting held September 20, 2011 beginning at 4:00 p.m.: (a) Conditional use extension in establishing a private recreation area and facilities on 30.06 acres within the FR-5 (Forest Residential 5 acres) zone, generally located south of Pine Valley Townsite; Lester Wittwer Investment Co./Shayne Wittwer, applicant. (b) Conditional use extension for endurance mountain bike racing, "Frog Hollow Event", on Sheep Bridge Road, generally located between Virgin and Hwy 59 east of Hurricane, October 1, 2011, 6-hour event and November 5th & 6th, 2011, 24-hour event, a portion within the County unincorporated area; GRO-Promotions, LLC/Cimarron Chacon, applicant. (c) Conditional use extension on a sales office for the Kolob Ranch development on the west side of the freeway at the Kolob Exit off Interstate 15; Kolob Development, Inc./Robert Anderson, applicant. (d) Conditional use extension to locate an office trailer, and porta potties near an approved staging area for pipe storage yard for UNEV Pipeline on 2 acres of the Bowler arena property in Veyo; Sterling Construction Management, LLC/Monte Kester, Business Development agent. (e) Conditional use extension to build the Gunlock Filter Station generally located one mile south of the Gunlock Reservoir; Washington County Water Conservancy District/Doug Wilson, applicant. (f) Conditional use to install a proposed 100' lattice tower within the OST-20 zone, on BLM land adjacent to the Rocky Mountain Power Substation south of Dammeron Valley; Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant. (g) Conditional use to install a proposed 100'

lattice tower within the RA-1 zone, on 1 acre of land owned by the Theresa Haury, in Veyo; Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant. (h) Conditional use to install an equipment building within the SFR-1 zone on Kolob Mountain near Whispering Pines entrance on Conservancy District property; Beehive Telephone Co., applicant. (i) Conditional use to install a meter building, feederline and security chainlink fence within the C-2 zone south of the Texaco Station at the New Harmony Interchange; Questar Gas Company, applicant.

VIII. COMMISSION & STAFF REPORTS.

The commissioners had nothing to report.

The planner advised the commission that the November 8 meeting would be held in a different location due to voting taking place in the council chambers. The information on where the meeting will be held will be provided when it gets closer to the meeting.

Motion was made and seconded to adjourn the meeting at 3:12 p.m.

Doreen Bowers-Irons, Planning Secretary

Approved: 11 October 2011